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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,990	04/06/2004	GREGORY ALAN CONNER	81093975	2989

32242 7590 06/01/2005

DYKEMA GOSSETT PLLC
2723 SOUTH STATE STREET
SUITE 400
ANN ARBOR, MI 48104

EXAMINER

MILLER, TAKISHA S

ART UNIT	PAPER NUMBER
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2855

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/708,990

Applicant(s)

CONNER ET AL.

Examiner

Takisha Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schroder et al. (6,273,492)(hereinafter Schroder) in view of Pruessel (6,456,027). Schroder teaches a system comprising a pull down actuator (4), a position transducer (5,6,13), a controller (7)(Fig. 2), a fixture/car upon which said pull down actuator (4) and a top (1) may be mounted and a removable anchor structure (3)(Fig.1). Schroder fails to explicitly teach a force transducer. Pruessel teaches a force transducer (3)(Fig.1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schroder to include a force transducer as taught by Pruessel in order to detect the closing force limit for the purpose of distinguishing between disruptive influences on the closing device (see Pruessel; Abstract, lines 4-12).
4. Claims 2,3 and 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schroder in view of Pruessel as applied to claim 1 above and further in view of Dilluvio et al. (5,755,467).

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- a. With respect to claims 2, 3, 6-10, 12 and 13, Schroder in view of Pruessel teaches a system and method for measuring the amount of force required to operate a convertible top but lack explicitly teaching a gripper and a flexible member attached to the gripper. Dilluvio teaches a gripper (171)(Fig. 3) and a flexible member (69,301,303) attached to the gripper (171). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schroder in view of Pruessel to include the above limitations as taught by Dilluvio in order to effectively open, close and latch the convertible top (see Dilluvio; Col. 4, lines 8-10; Col. 4, lines 38-56).
- b. With respect to claim 11, Schroder teaches a system wherein said controller (7) further comprises a data storage facility/memory (18)(Col. 3, lines 20-25).

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schroder in view of Pruessel and Dilluvio as applied to claim 9 above and further in view of Hacker (4,749,193). Schroder in view of Pruessel and Dilluvio teaches a characteristic transducer operatively associated with a pull down actuator for measuring an operating parameter of a convertible top but lacks teaching the specific operating parameter is audible noise. Hacker teaches an acoustic indicator (29)(Fig.1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schroder in view of Pruessel and Dilluvio to include the limitations taught by Hacker as another means for measuring the travel (fully locked or fully open) position of the convertible top (see Hacker; Col. 4, lines 18-25).

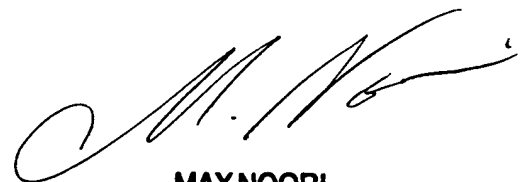
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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Takisha Miller whose telephone number is (571) 272-2184. The examiner can normally be reached on Monday - Friday (7:00 am - 3:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MAX NOORI
PRIMARY EXAMINER